

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DR. JAMES H. WINER,)	
)	
Plaintiff,)	
)	Civil Action No. 12-934
)	
v.)	Judge Cathy Bissoon
)	Magistrate Judge Mitchell
SENIOR LIVING GUIDE, INC.)	
individually and d/b/a "SLG WEB)	
DESIGN," <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

On October 9, 2012, this case was referred to United States Magistrate Judge Robert C. Mitchell for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.C and 72.D of the Local Rules for Magistrates. On January 17, 2013, the magistrate judge issued a Report and Recommendation (Doc. 29), recommending that Defendant DePaula's motion to dismiss (Doc. 10) be granted with respect to Counts V, X and XI and denied with respect to Counts I, II, III, IV, VI, VII, VIII, IX and XII. The magistrate judge further recommended that the motion to dismiss filed on behalf of Defendants Patrick DePaula, S.L.G., Inc. and Senior Living Guide, Inc. (Doc. 12) be granted with respect to Counts V, X and XI and denied with respect to Counts I, II, III, IV, VI, VII, VIII, IX and XII. Service of the Report and Recommendation was made on the parties, Defendants timely filed Objections (Doc. 30) and Plaintiff timely filed an Opposition to Objections (Doc. 31).

After a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, Objections and Opposition to Objections, the following Order is entered:

AND NOW, this 25th day of March, 2013,

IT IS HEREBY ORDERED that the Report and Recommendation of October 9, 2012 (Doc. 29) is adopted as the opinion of the Court.

IT IS FURTHER ORDERED that Defendant DePaula's motion to dismiss (Doc. 10) is GRANTED with respect to Counts V, X and XI and DENIED with respect to Counts I, II, III, IV, VI, VII, VIII, IX and XII. In addition, the motion to dismiss filed on behalf of Defendants Patrick DePaula, S.L.G., Inc. and Senior Living Guide, Inc. (Doc. 12) is GRANTED with respect to Counts V, X and XI and DENIED with respect to Counts I, II, III, IV, VI, VII, VIII, IX and XII.

s/ Cathy Bissoon
Cathy Bissoon
United States District Judge

cc:

All attorneys of record (via CM/ECF e-mail).